

THE ANSWE R



OF
WILLIAM BRIGGS Esquire,
MARSHAL of the KINGS BENCH,
TO THE

Libellous Case published by David Tucker late Turn-key,

On the pretended Behalf of the Prisoners there.

MR. Briggs, the present Marshal of the King's Bench, being a Person well qualified to execute that Office, by his Education, was in *Easter Term* last, on a Grant of the said Office from Mr. *Lenthal*, who hath the Inheritance thereof, Admitted and Sworn Marshal for his Life, by the Court of King's Bench, to whom he was well known; and the greatest part of the Business of the said Office being where the King's Bench Prison is, it is impossible for the Marshal, for the time being, to dispatch the same for the Ease of Prisoners and Creditors without Assistance, by reason of his Attendance in the Mornings at *Westminster*, in the Afternoons at the King's Bench Office, and in the Vacations at the Judges Chambers, which the Duty of his Place requires, and therefore he must, as all other great Officers do, appoint some Person under him, to look after and Discharge the Business of the said Office in his Absence, for whose Errors and Faults he must answer for, as the Case requires, either to the Court, the Creditor, or the Prisoner, and no Person so fit to be employed in the Business as one who is an old Prisoner, and understands the Course and Method of the said Office, it being an Affair that will require Time to understand. And this hath been always the Course of the Place; nor is it conceivable how this can be prejudicial either to the Creditor or to the Prisoner, but rather beneficial to both: For if the Marshal's Agent be an old Prisoner, he is knowing of the Customs and Duty of the Place, and is always ready there to be found to hear Complaints, and redress the same presently. If Occasion requires to quell Mutinies and Disturbances amongst the Prisoners, which they often make when the Marshal is out of the way, and to discharge Prisoners immediately, if they agree with their Creditors, without further Attendance, and to do many other necessary Acts for the Good of the Prisoners and the Safety of the Marshal, which a Freeman would not be capable of doing, through his Ignorance in the Business of the Place, and of his Freedom of going where and when he pleaseth; and if the said Office is duly executed, whether by the Marshal, or his Substitute, or whether he be a Freeman, or a Prisoner, 'tis conceived that the Prisoners ought not to be concerned thereat, for that is giving them a Power of appointing their Keepers or Officers; which is wholly inconsistent with the Safety of the Marshal, and against all Reason.

II. Mr. Briggs being sworn Marshal as aforesaid, Mr. *Lenthal*, as is usual, went with him to the Door of the Prison, and took the Keys from one *Tucker* the Door-keeper thereof, who is but the Marshal's Servant for the Time being, and gave them to Mr. Briggs, as Possession of the Prison and Prisoners; and Mr. Briggs hearing a bad Account of him, and what Damages other Marshals had sustained through his Negligence, and the Liberty he took of letting Prisoners abroad, unknown to the Marshal, contrary to the Duty of his Place, and for his own private Profit and Gain, which was considerable to him, Mr. Briggs did not think it fitting to continue him any longer Turn-key of the said Prison, it being a Place of great Trust, and in his Power to ruin the Marshal when he pleaseth, by opening the Doors and letting all the Prisoners escape; and thereupon Mr. Briggs the Marshal, and not Mr. *Farrington* as is falsely and maliciously suggested by the said *Tucker*, did appoint one *Thomas Price*, a Person of Experience and Integrity, and one whom the Marshal can safely trust, to be Turn-key of the said Prison, as he hopes he lawfully may do, who gives great Content both to the Marshal and the Prisoners in the Execution of his Office, by his great Care and constant Attendance there: And the said *Tucker* being so displaced, he, in *Trinity Term* last, applied himself to the Court of King's Bench for Relief in this Matter, which is the proper Place to determine Differences between the Marshal and his Officers and Servants, where on a full Hearing and Debating of the whole Matter by Counsel on both Sides, the Judges declared, That they saw no Colour for Relief, and so dismissed him. And the said *Tucker* perceiving that he was justly turned out, and that there was no Relief for him in *Westminster-Hall*, he thereupon exhibited a Scandalous Petition and Cafe to the Honourable House of Commons, on the behalf of the Prisoners, and without their Knowledge, reflecting on the Marshal and Mr. *Farrington* for pretended Oppressions and Extortions, hoping thereby to frighten the Marshal into a Compliance with him, and to readmit him into his said Employment; whereas the said *Tucker* knows, That if there were any just Cause for his said Complaint, that he may have Relief for the same, by the Judges of the said Court of King's Bench, without troubling this Honourable House.

III. That the Rooms in the said Prison-House are now in as good a Condition and as well furnished, and as clean kept as they have been at any Time this forty Years, and are not Loathsome, nor any way Noysome to the Prisoners, as is falsely and maliciously suggested by the said *Tucker*, in his said scandalous Reflecting Cafe; and if any of the Furniture thereof hath been lately out of Repair, 'tis some of the Prisoners themselves, by some Disorders of their own, which the said *Tucker* hath incited them to, who daily studies to give the Marshal all the Trouble and Disturbance he can in the Execution of his Office, hoping thereby to bring the Marshal, for his Quietness sake, to admit him, the said *Tucker*, into his said Employ. And it is utterly denied, That any such Practices are used to Prisoners at their first coming to Prison, as are falsely and maliciously suggested by the said *Tucker*, by putting them into Low and Stinking Rooms, on purpose to extort Unjust Fees and Extravagant Chamber Rent from them; for it will be plainly made appear, That every Prisoner, when he is first committed, if he can give Security for his true Imprisonment, and that he will not escape out of the Rules, which is part of the Prison, that the Marshal constantly lets them take their Chamber where they please in the Rules; and if they cannot give Security, then they are put into the House, for safe Custody, otherwise it would lie in the Power of any such Prisoner to escape, and make the Marshal pay his Debt, which would be very unreasonable, if the Marshal should be debarred of any such Power. And as for the Extravagant Chamber Rents, falsely suggested to be taken by the Marshal, it is declared that he takes no other than what are allowed by the Table of Fees belonging to the said Office for these eighty Years, which hangs up in the said Prison, and also in the *Crown Office*, by the Order of the Judges of the said Court, and are more Moderate than any of the Chamber Rents of any Prison in or about *London*; and that though there may be due from the Prisoners of the said Prison, to the said Marshal, for Chamber Rent, from his Admittance to this Time, the Sum of two hundred Pound or thereabouts, yet the same are so ill paid, that the Marshal hath not received above ten Pound for the same: So it is humbly conceived that the Prisoners have little Reason to complain on that account.

IV. It is true, That since the admittance of the present Marshal, some Prisoners have been re-taken and brought into Custody by his Order, but they have been such Persons as have made either wilful Escapes from the late Marshal, or which the said *Tucker*, contrary to the Duty of his Place, and for Rewards to himself, hath wilfully permitted to Escape, without being Legally discharged: And this the Marshal hath done, in pursuance of a Rule of the Court of King's Bench, empowering him so to do, and that they still remain Prisoners, and are not discharged, either by the Marshal or the said Mr. *Farrington*, as is falsely suggested by the said *Tucker*, on purpose to beget and draw Prejudices on the said Marshal, to satisfy the Malice and Revenge of him the said *Tucker*, for being turned out of his Employ as aforesaid.

V. The Marshal, when a Prisoner in the House can give him security for his true Imprisonment, or he is satisfied of the Fidelity of the Prisoner that he will not escape, which he is judge of, and which he must answer for if he is mistaken, and that the Prisoner should escape: He doth usually admit Prisoners in the House, to have the benefit of the Rules, which is part of the said Prison; but he utterly denieth, that either he or Mr. *Farrington*, or any other Agent of his, put or returned any such Prisoner into the House again, to extort Money from them, as is falsely suggested by the said *Tucker*, or for any other reason, than for breaking the Rules (by going out of them) and that, not above two Persons in this Marshal's time have been so used, for violating their engagements, and of whom he received not a Penny.

VI. The Marshal does not deny, but that some few Prisoners have been brought into Prison without complaint of the Creditors, but then they have been such as have escaped from the late Marshals, and which were not discharged, and the same hath been done in pursuance of the said Rule of the Court of King's Bench; but he utterly denieth, that he, or any of his Agents, have committed or used any of the Extortions or Hardships which are maliciously and falsely suggested by the said *Tucker*, or taken from such Prisoners any more than the Lawful Fees, or if the contrary come to be prov'd, the Party grieved may recover three times the value, by Information in *Westminster-Hall*. And therefore Remedy ought not to be sought for, against the same in Parliament.

VII. The Marshal doth deny, that he doth put any Prisoner in the Hole, Dungeon, Irons, or Common-Side, but upon very extraordinary occasions; as when some troublesome persons in the Prison-House, commits Riots, and raises Mutinies against the Prisoners in the Prison-House, thereby endeavouring to make their escapes, either by forcing the Doors, or Windows of the Prison, or endeavouring to make breaches or holes in the Garden-Walls where they walk, whereby to escape, or upon their assaulting or beating of the Marshal's Agents or Officers, when he sends them into the Prison-House, either to quell their Mutinies, or to do other necessary business amongst them, as occasion daily requires. Nor have any of the said Punishments been inflicted on any of the said Prisoners by the Marshal or his Agents since his admittance into the Office, except only on two Persons, who endeavoured to raise a Mutiny amongst the Prisoners, at the instigation of the said *Tucker*, and assaulted the said Marshal himself, and his Agents and Officers, when they came into the Prison-House to quell the said Mutiny, and drew their Knives on some of the Marshal's Officers, and made several thrusts at them; and if upon such extraordinary occasions which frequently happen, some of the aforesaid punishments were not inflicted on them, (which never lasts above half a dozen hours, or a day, till they engage to be of good behavior) it is impossible the Marshal or any Keeper of a Prison, can keep his Prisoners in the house in quietness, or safely, from escaping.

VIII. The Marshal does deny, that there are either a thousand Prisoners committed yearly, or that there are usually three thousand Prisoners belonging to the said Prison, as is falsely suggested by the said *Tucker* in his pretended Libellous Cafe, and is very unlikely to be true; for there are not at present three hundred Chamber-Rent Prisoners, one quarter whereof and upwards, do not pay above 12 d. or 15 d. per Week, and the rest of them pay no more but the ancient Weekly Chamber-Rent, which is allowed by the said Table of Fees hanging up in the Prison, and the *Crown Office* aforesaid, and which hath been received 80 years last past, as the ancient and accustomed Fee for the same. And these Chamber Rents which are the ancient and profitable Fee belonging to the said Office, are so very ill paid, that this Marshal since his admittance hath not received above 80 l. the residue being in danger of being lost; the Prisoners usually running in arrears with the Marshals for the same, whereby they constantly sustain great losses, and therefore the Marshal hath more reason to complain than the Prisoners, considering the great sums of Money he pays for the escapes of Prisoners and other necessary charges, and duties going out of the said Office. And as for the Commitment Fee of 15 s. so reflected on by the said *Tucker*, the same is a standing ancient Fee, as appears by the said Table of Fees, and not one in thirty Persons that are committed do pay the same, by reason of the poverty of the Prisoners, and is remitted; so favourable the Marshal hath been to them; and when the same is received, it is wholly divided amongst the Officers and Servants under the Marshal, whereof the Turnkey hath four Shillings. And as for the discharging Fee, and the Rule Money, the same are ancient Fees as appears by the said Table of Fees, and are not received wholly by the Marshal, but are divided amongst the Marshal's Officers, and the Officers of the Court; the Marshal only receiving to his use out of the discharging Fee 10 s. 4 d. and no more, and out of the Rule Money 1 s. all which appears by the Table of Fees; and as to the Poundage Fee mentioned in the said Cafe, the same is an ancient Fee, as appears by the said Table, and never taken to the full, but moderately compounded, and more often remitted, than compounded for. So that its plain, the said *Tucker* notwithstanding his Malice and Revenge against the Marshal, for justly turning him out of his place as aforesaid, is mightily mistaken in his calculation of the yearly profits of the said Office, and that the same is altogether false, and dressed with malice without any just reason for the same.

IX. That Mr. *Farrington* is, and hath been a Prisoner in the Kings Bench in Execution a great while is true, but not for the fifth part of the Money as is maliciously mentioned by the said *Tucker* in the said pretended Cafe, and doth also live in the Rules of the said Prison, as he lawfully may, as well as other Prisoners (the Rules being part of the said Prison) he having behaved himself all along as a just Prisoner to the Marshal for the time being, and is so far from designing the ruin and destruction of his Creditors, that since his Imprisonment, he hath discharged above forty thousand pounds principal Monies, as will appear by uncancel'd securities that he hath taken in, and hath by him to produce, and doth continue paying on as he is enabled.

So on the whole matter, it doth, and may appear plainly, that there is no just cause for the said complaint, but only to satisfy the Malice and Revenge of the said *Tucker*, against the said Marshal, for turning him out justly from his said employ, and for which the said *Tucker*, has vow'd the Marshal's ruin; and this is the only clamour of some three or four Prisoners in the House (and not of the greatest part of the Prisoners) in whom the said *Tucker* hath some interest, and are angry with the Marshal, for being legally confin'd in the Prison House, and not letting them have the benefit of the Rules, without security for their true Imprisonment, which if he should, they would make their escapes through the desperation of their Condition, and then the Marshal must pay their Debts. And if the Marshal were guilty of any of the pretended accusations, the Party grieved has his remedy, by moving the Court of King's Bench for redress of the same, which they always grant, when they see cause, or may bring their actions against the Marshal, and recover treble damages for any extortions committed by him. And therefore the Law having already provided a remedy in these Cases, he hopes, the said Petition shall be dismissed.